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**Proposed Liaison Counsel for Lead Plaintiff  
Movant Adrian G. Mongeli and the Class**

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**Proposed Lead Counsel for Lead Plaintiff  
Movant Adrian G. Mongeli and the Class**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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I.B.I. INVESTMENTS, LTD. Individually, )  
And On Behalf Of All Others Similarly )  
Situated, )  
Plaintiff, )  
vs. )  
TERAYON COMMUNICATIONS )  
SYSTEMS, INC., ZAKI RAKIB, JERRY )  
D. CHASE, MARK A. RICHMAN, and )  
EDWARD LOPEZ, )  
Defendants. )

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**CASE NO.: 3-06-CV-03936 MJJ**  
**CLASS ACTION**  
**AMENDED [PROPOSED] ORDER  
GRANTING MOTION FOR  
APPOINTMENT OF LEAD PLAINTIFF  
AND APPROVAL OF CHOSEN  
COUNSEL**  
**DATE: October 24, 2006**  
**TIME: 9:30 a.m.**  
**CTRM: 11, 19th Floor**

1        WHEREAS the Court has considered the Motion of Adrian G. Mongeli to Be Appointed  
2 Lead Plaintiff Pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to  
3 Approve Proposed Lead Plaintiff's Choice of Counsel, the supporting Memorandum of Points and  
4 Authorities, the Declaration of Michael D. Braun, and all other related documents filed;

5        WHEREAS I.B.I. Investments Ltd. has withdrawn its Motion to Appoint Lead Plaintiff and  
6 Lead Counsel by notice filed on September 22, 2006;

7        WHEREAS proposed Lead Plaintiff Mongeli has notified the Court that there are no other  
8 movants seeking appointment as Lead Plaintiff;

9        IT IS HEREBY ORDERED as follows:

10        1.        The hearing previously scheduled for October 24, 2006, to consider the motions to  
11 appoint lead plaintiff and counsel is hereby canceled.

12        2.        Adrian G. Mongeli is appointed Lead Plaintiff pursuant to Section 21D(a)(3)(B) of  
13 the Securities Exchange Act of 1934.

14        3.        The law firms Kahn Gauthier Swick, LLC and Saxena White P.A. are appointed  
15 Lead Counsel, and the law firm Braun Law Group, P.C. is appointed Liaison Counsel.

16        4.        Lead Counsel shall direct and control this litigation as counsel to Lead Plaintiff and  
17 the proposed class. Lead Counsel shall assume and exercise all of the powers and responsibilities  
18 permitted in this jurisdiction as counsel to Lead Plaintiff and the Proposed Class. With respect to  
19 scheduling and/or procedural matters, Defendants' counsel may rely upon all agreements with Lead  
20 Counsel.

21        5.        No pleadings or other papers shall be filed or discovery conducted by any plaintiff  
22 except as directed or undertaken by Lead Counsel.

23        6.        When an action that arises out of the same subject matter of this action is filed in this  
24 Court or transferred from another Court ("Related Action"), Lead Counsel shall notify the Clerk by  
25 filing a Notice of Related Action. The Clerk, within five days of such filing, shall:

26        ///

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28        ///

1                   a.       File a copy of this order in the separate file for such action;  
 2                   b.       Mail a copy of this order to the attorneys for plaintiff(s) in the newly filed or  
 3 transferred case and to any new defendant(s) in the newly filed or transferred case; and  
 4                   c.       Make the appropriate entry in the docket for this action.

5               7.       Each new Related Action shall be consolidated with this action, pursuant to Federal  
 6 Rules of Civil Procedure 42, and shall be governed by this order, unless a party objects to  
 7 consolidation, or any provision of this order, within 11 days after the date upon which a copy of this  
 8 order is served on counsel for such party, by filing an application for relief and this Court deems it  
 9 appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of  
 10 any parties' right to object to consolidation of any related action subsequently filed or transferred.

11               8.       Counsel in any Related Action that is consolidated with this action shall be bound by  
 12 this order.

13               9.       Service of any papers on Lead Plaintiff shall be deemed to be complete for all  
 14 purposes when a copy is served on or by Lead Counsel.

15               10.      The parties shall adhere to the deadlines established in their Stipulation and Order  
 16 Regarding Schedule for Filing Amended Complaint and Responsive Documents, approved by the  
 17 Court on \_\_\_\_\_, 2006.

18  
 19               IT IS SO ORDERED:

20  
 21 DATED: \_\_\_\_\_, 2006

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HON. MARTIN J. JENKINS  
 U. S. DISTRICT COURT JUDGE

22  
 23 Respectfully submitted by:

24 Michael D. Braun  
 25 BRAUN LAW GROUP, P.C.  
 26 12400 Wilshire Blvd., Suite 920  
 27 Los Angeles, CA 90025  
 28 Tel: (310) 442-7755  
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29  
**Proposed Liaison Counsel for Lead Plaintiff**  
**Movant Adrian G. Mongeli and the Class**

1 Maya Saxena  
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3 SAXENA WHITE P.A.  
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15 **Proposed Lead Counsel for Lead Plaintiff**  
16 **Movant Adrian G. Mongeli and the Class**

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## PROOF OF SERVICE

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )ss.: )

4 I am employed in the county of Los Angeles, State of California, I am over the age of 18 and  
5 not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los  
Angeles, CA 90025.

6 On October 17, 2006, using the Northern District of California's Electronic Case Filing  
7 System, with the ECF ID registered to Michael D. Braun, I filed and served the document(s)  
described as:

**AMENDED [PROPOSED] ORDER GRANTING MOTION FOR APPOINTMENT OF  
LEAD PLAINTIFF AND APPROVAL OF CHOSEN COUNSEL**

0 The ECF System is designed to automatically generate an e-mail message to all parties in the case, which constitutes service. According to the ECF/PACER system, for this case, the parties served are as follows:

Lionel Z. Glancy, Esq. info@glancylaw.com

### Attorneys for Plaintiff

On October 17, 2006, I served the document(s) described as:

**AMENDED [PROPOSED] ORDER GRANTING MOTION FOR APPOINTMENT OF  
LEAD PLAINTIFF AND APPROVAL OF CHOSEN COUNSEL**

6 by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

7 Maya Saxena, Esq.  
8 Joseph E. White, III., Esq.  
9 SAXENA WHITE P.A.  
10 2424 North Federal Highway, Suite 257  
11 Boca Raton, FL 33431  
12 Tel: (561) 394-3399  
13 Fax: (561) 394-3382

11 Lewis Kahn, Esq.  
12 Michael A. Swick, Esq.  
13 KAHN GAUTHIER SWICK, LLC  
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15 New Orleans, LA 70130  
16 Tel: (504) 455-1400  
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25 **Attorneys for Proposed Lead Plaintiff  
Movant Adrian G. Mongeli and the Class**

1 Patrick E. Gibbs, Esq.  
2 Amy Stein, Esq.  
2 LATHAM & WATKINS LLP  
140 Scott Drive  
3 Menlo Park, CA 94025  
Tel: (650) 463-4696  
4 Fax: (650) 463-2600

5 **Attorneys for Terayon Communications Systems, Inc.**

6 Zaki Rakib  
c/o Terayon Communications Systems, Inc.  
7 4988 Great America Parkway  
Santa Clara, CA 95054

8 Jerry D. Chase  
9 c/o Terayon Communications Systems, Inc.  
4988 Great America Parkway  
10 Santa Clara, CA 95054

11 Mark A. Richman  
c/o Terayon Communications Systems, Inc.  
12 4988 Great America Parkway  
Santa Clara, CA 95054

13 Edward Lopez  
14 c/o Terayon Communications Systems, Inc.  
4988 Great America Parkway  
15 Santa Clara, CA 95054

16 **Defendants**

17 I served the above document(s) as follows:

18 BY MAIL. I am familiar with the firm's practice of collection and processing  
correspondence for mailing. Under that practice it would be deposited with U.S. postal service on  
19 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course  
of business. I am aware that on motion of the party served, service is presumed invalid if postal  
20 cancellation date or postage meter date is more than one day after date of deposit for mailing in an  
affidavit.

21 I declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the above-  
22 listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the  
following electronic mail address provided by the Securities Class Action Clearinghouse:  
23

**scac@law.stanford.edu**

24 I am employed in the office of a member of the bar of this Court at whose direction the  
25 service was made.

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1 I declare under penalty of perjury under the laws of the United States that the above is true  
2 and correct.

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5 Executed on October 17, 2006, at Los Angeles, California 90025.  
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/S/ LEITZA MOLINAR

Leitza Molinar